



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.5484 of 2022

M.Venkatesan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Trichy District,
Trichy.

2.The Tahsildar,
Thiruverumpur Taluk,
Trichy District,
Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to issue a legal heir certificate to the petitioner, as legal heir of Maruthaiya @ Maruthappan by considering the petitioner's representation dated 17.03.2022.

For Petitioner	:	Mr.S.Vishnuvardhan
For Respondents	:	Mr.M.Lingadurai, Special Government Pleader.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to issue legal heirship certificate to the petitioner for the deceased Maruthaiya @ Maruthappan by considering the petitioner's representation dated 17.03.2022 within a time frame to be fixed by this Court.

2. According to the petitioner, he is the son of the deceased Maruthaiya @ Maruthappan. According to him, legal heirship certificate was issued earlier on 13.02.2021. However, in the said legal heirship certificate, his name was excluded as one of the legal heirs. The petitioner has preferred a statutory appeal before the first respondent. The first respondent has cancelled the legal heirship certificate dated 13.02.2021 issued by the second respondent and the matter was remanded back to the second respondent for fresh consideration.



3. Thereafter, the petitioner has given a representation on 17.03.2022 to the second respondent for issuance of legal heirship certificate. Since the same has not been considered till date, he has filed this Writ Petition.

4. Heard Mr.S.Vishnuvardhan, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

5. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other legal heirs of the deceased Maruthaiya @ Maruthappan.

6. Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents, on instructions, would submit that the petitioner will have to submit the application through online and only thereafter, the second respondent will be in a position to consider his representation. The same is recorded. Learned counsel for the petitioner, on instructions, also agrees for the said submission and stated that the petitioner will be submitting the application through online.

7. Accordingly, this Court directs the petitioner to submit a fresh online application to the second respondent seeking for issuance of legal heirship certificate for the deceased Maruthaiya @ Maruthappan within a period of one (1) week from the date of receipt of a copy of this order. On receipt of the said application, the second respondent is directed to pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other legal heirs of the deceased Maruthaiya @ Maruthappan, within a period of twelve (12) weeks thereafter.

8. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Revenue Divisional Officer,
Trichy District,
Trichy.

2.The Tahsildar,
Thiruverumpur Taluk,
Trichy District,
Trichy.

+1 CC to M/s.SPL GP (SR-15323[F] dated 30/03/2022)

W.P. (MD) .No.5484 of 2022
28.03.2022

RK(08/04/2022) 3P 4C